THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.19441 OF 2007

Dated: 24.09.2007

Between:

Ashwani Kumar Gupta

..Petitioner

And

1.The Foreign Secretary,
Ministry of External Affairs,
South Block, New Delhi and another.

.. Respondents.

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.19441 OF 2007

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioner seeking to declare the action of the Central Administrative Tribunal, Hyderabad, in not restoring the application in O.A.No.667 of 2006 as illegal and arbitrary and to set aside the default orders dated 12.6.2007, 21.2.2007 and 10.1.2007 in M.A.Nos.162 of 2007, 37 of 2007 and 512 of 2006 and order dated 28.11.2006 in O.A.No.667 of 2006.

The petitioner is the applicant before the Tribunal. He filed the above O.A. seeking to declare the action of the respondents in rejecting his representations dated 14.6.2004 and 15.7.2005 in pursuance of the proceedings No.B.2311/22/2002/Part, dated 21.10.2005 as illegal and arbitrary and consequently to direct the respondents to pay the compensatory allowances as payable to counselor in the High Commission Mautitius. The said O.A was dismissed for default on 5.12.2006. Seeking to restore the same, the applicant filed M.A.No.512 of 2006 and the same was also dismissed. Subsequently, the applicant filed applications in M.A.Nos.37 of 2007 and 162 of 2007, one after another seeking to restore the O.A., and the same were also dismissed. Hence, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned G.P. for Irrigation & Commercial Area Development and perused the material available on record.

The petitioner filed the above O.A. seeking to grant the

monetary benefit that has been conferred under the rules. In a case of this nature, the issue in controversy shall be adjudicated on its own merits, but not on mere technicalities in order to avoid multiplicity of proceedings of this nature. Therefore, without expressing any opinion on the merits of the case, we feel that it is a fit case wherein the matter can be restored to file and consequently, the orders impugned are set aside.

Accordingly, the writ petition is allowed and the O.A. is restored to file. The tribunal shall dispose of the O.A., within a period of six months from the date of receipt of a copy of the order.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 24.09.2007
Gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.19441 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

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Dated: 24.09.2007